

SESSION OF 2013

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2162**

As Agreed to May 15, 2013

**Brief\***

HB 2162, as amended, would prohibit the use of state-appropriated funds, aside from normal and recognized executive and legislative relationships, for: publicity or propaganda purposes; preparation, distribution, or use of any kit, publication, electronic communication, or radio, television, or video presentation designed to support or defeat the enactment of legislation before the federal government, the Kansas Legislature, or local government legislative body; or support or defeat of any proposed or pending regulation, administrative action, or order issued by the federal government, any state agency, or local government relating to gun control advocacy or promotion. Additional prohibited uses related to gun control advocacy include paying the salary or expenses of any grant or contract recipient, or agent acting on behalf of a recipient, regarding any activity designed to influence enactment of legislation, an appropriation, a regulation, an administrative action, or an executive order proposed or pending before the federal government, the Kansas Legislature, or local government legislative body regarding advocacy or promotion of gun control. The bill specifies these prohibitions would include any activity to advocate or promote any proposed, pending, or future federal, state, or local tax increase, or requirement or restriction on any legal consumer product, including its sale or marketing, relating to the advocacy or promotion of gun control.

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## **Conference Committee Action**

The Conference Committee agreed to replace the contents of HB 2162 with the contents of SB 45, as amended by the House Committee on Elections.

## **Background**

HB 2162, as originally introduced, would have created new law concerning ballot language statements.

At the hearing on SB 45 in Senate Committee on Ethics, Elections and Local Government, representatives of the Kansas State Rifle Association, the National Rifle Association, and Oath Keepers, and a private citizen appeared as proponents of the bill. Written proponent testimony was provided by a representative of Americans for Prosperity, Kansas. Proponents said tax dollars should not be used to influence spending by state government or to advocate for gun control or against legal activities and products, particularly those products with constitutional protection.

Opponent testimony was presented by the president-elect of the Kansas Association of School Boards, who serves as a member of the school board for Seaman USD 345. He stated voters can remove local officials who they believe use public funds inappropriately; associations efficiently present the views of geographically diverse entities; and elected officials need to hear from groups with specialized information. He also requested clarification of several terms in the bill.

The Senate Committee amended the bill to limit its application to advocacy or promotion of gun control (the original bill was written broadly so as not to limit it to gun control advocacy). The bill also was amended to clearly prohibit use of appropriated moneys for advocacy before the federal government.

The House Committee on Elections amended the bill to create a broad prohibition on use of state appropriations to support or defeat enactment of legislation before the federal, state, or local government relating to the advocacy or promotion of gun control, other than for normal and recognized executive and legislative relationships. The bill maintains additional prohibitions concerning spending related to advocacy or promotion of gun control.

The Division of the Budget fiscal note on SB 45, as introduced, indicated, by limiting the use of state moneys, the bill would have no fiscal effect. However, its effect on spending by state agencies or organizations that receive state moneys from grants or contracts cannot be predicted.

Use of State Appropriated Moneys; gun control

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